

R. Weaver

Memorandum

To: DISTRICT DIRECTORS
DISTRICT DEPUTY DIRECTORS for
Environmental and Planning
DISTRICT LOCAL ASSISTANCE ENGINEERS

Date: November 29, 2001

File:

From: **DEPARTMENT OF TRANSPORTATION**
DIVISION OF ENVIRONMENTAL ANALYSIS - MS27

Subject: Revised EIS Review Procedures

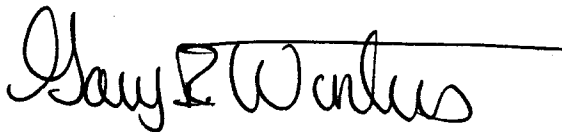
As you know the Department has been actively exploring ways to streamline environmental compliance for transportation projects. One of these efforts has been the development of a revised Environmental Impact Statement (EIS) review process. The attached EIS review process was developed by the Division of Environmental Analysis in cooperation with FHWA.

Effective immediately the revised review process will be mandatory for all EISs for federal-aid highway projects submitted to FHWA, including preliminary (administrative) draft EISs and draft EISs being approved for circulation to the public, as well as preliminary (administrative) final EISs and final EISs.

Essentially, the new process is a revision to the joint Federal Highway Administration and the Division of Environmental Analysis review process for EISs established in 1998. The intent of this revision is to treat EISs for Local Assistance projects in the same manner as EISs prepared for projects on the State Highway System and to have the HQ Environmental Coordinators determine whether an EIS is ready to be sent to FHWA for review. The revised process also sets target time frames for review of the document and for development and transmittal of comments back to the district/region.

Attached for your information and use is a flowchart of the review process, with instructions for each step. Please note that within Step 3 (HQ Readiness Review) is a new set of criteria to determine whether an EIS is ready for review, as well as a list of common "fatal flaws."

If you have any questions regarding this memorandum please contact me at (916) 653-7136 or Denise O'Connor, Chief, Environmental Management Office, at (916) 653-5157.

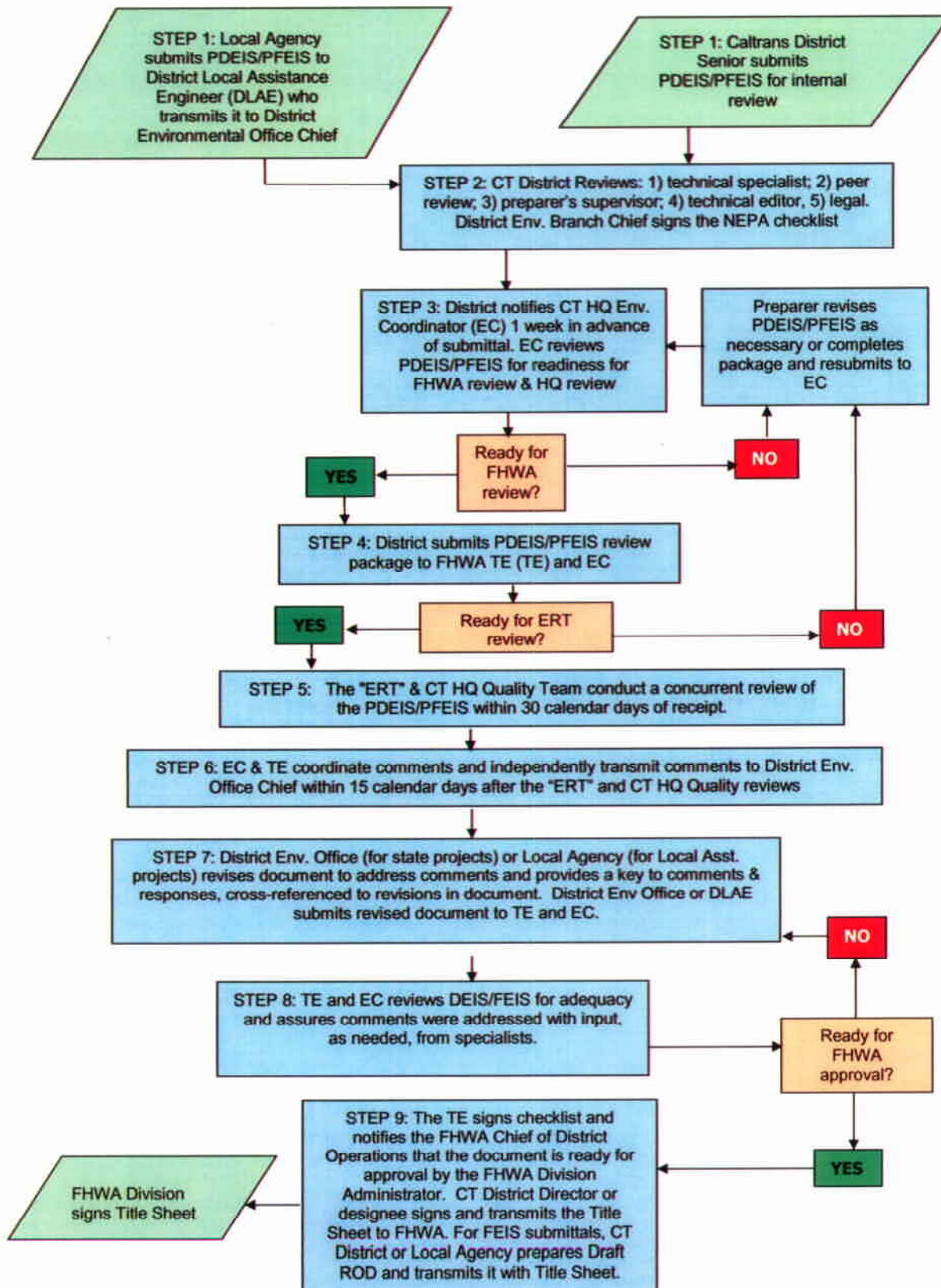


GARY R. WINTERS, Chief
Division of Environmental Analysis

Attachments
bc: Brent Felker

EIS REVIEW AND APPROVAL PROCEDURES

Approved by FHWA November 5, 2001



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Step 1: Submittal of EIS for District Review

For projects on the State Highway System, the District Environmental Planner who coordinated the production of the Preliminary Draft Environmental Impact Statement or Preliminary Final Environmental Impact Statement (PDEIS/PFEIS) submits the document package to the Caltrans District Environmental Office Chief (or designee) for internal reviews. The submittal shall include the appropriate FHWA NEPA document checklist.

For projects off the State Highway System (i.e., on local streets and roads), the Local Agency submits the PDEIS/PFEIS document package to the Caltrans District Local Assistance Engineer (DLAE). The submittal shall include the appropriate FHWA NEPA document checklist. The DLAE submits the document package to the Caltrans District Environmental Office Chief for internal reviews.

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Step 2: District Review

The district review shall follow the Quality Control (QC) protocol developed by each district in accordance with the Department's QC policy.

Reviewers will include the technical specialists who prepared the technical reports to assure the PDEIS/PFEIS addresses the technical issues correctly. For consultant-prepared documents, the authors of the technical reports shall work with the PDEIS/PFEIS writer to ensure the conclusions of their studies are accurately conveyed for public disclosure.

A peer review shall be conducted by staff who have not been engaged in the preparation of the particular document. Ideally, the peer review is conducted by staff in another district. Peer review provides a "fresh set of eyes" for clarity, consistency and readability.

There should be a review by technical editors, focused on grammar, syntax, appropriate use of graphics, clarity and readability. If the district/region lacks staff classified as Research Writers, management shall assign an independent reviewer who is well-versed in these skills to provide the editorial review.

The appropriate Caltrans legal staff also shall review document. (The Sacramento Legal is assigned to Districts 2, 3, 6, 9 and 10; the San Francisco Legal is assigned to Districts 1, 4 and 5; the Los Angeles Legal is assigned to Districts 7 and 8; and the San Diego Legal is assigned to Districts 11 and 12.)

When the District Environmental Office Chief determines that the PDEIS/PFEIS is complete, sufficient and ready for approval by Caltrans and FHWA, the District Environmental Office Chief shall sign the FHWA NEPA Document Checklist as evidence of completion. In accordance with quality control procedures, the District Environmental Office Chief shall verify in writing that the district reviews, noted above, have been conducted.

The items on the checklist should be cross-referenced with the page number in the PDEIS/PFEIS on which that item is addressed. Doing so will facilitate subsequent reviews.

The PDEIS/PFEIS is ready for submittal to Caltrans Headquarters Division of Environmental Analysis (DEA) for the "readiness" review.

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Step 3: Headquarters "Readiness" Review

As soon as available, but not less than two weeks in advance of submitting the PDEIS/PFEIS, the Caltrans District Environmental Office staff or the DLAE shall forward the technical reports to the appropriate DEA Environmental Coordinator (EC). One week in advance, the Caltrans District Environmental Office staff or the DLAE notifies the appropriate EC when the PDEIS/PFEIS is expected to arrive in DEA for the readiness review. The PDEIS/PFEIS package (document, FHWA NEPA Checklist, and transmittal memo) shall be forwarded to the EC. Within two days of receiving the document, the EC shall evaluate whether the PDEIS/PFEIS is ready for review by the FHWA EIS Review Team (ERT) and the DEA Quality Review team. If the document has been delivered without the one-week notice, it will be held one week before review is initiated. Incomplete submittals will be returned to the District.

CRITERIA FOR READINESS

The EC shall use the following criteria to determine whether the document is ready for further review:

Submittal requires:

- PDEIS/PFEIS
- Completed Checklist signed by District Environmental Office Chief
- Evidence of QC reviews:
 - District technical specialist reviews
 - Peer review
 - Editorial review
 - Supervisor review
 - Legal review
- A complete PDEIS/PFEIS shall have:
 - Correct title page
 - All chapters are present
 - All appendices are present
 - All required correspondence is present
 - Exhibits are clear and legible
 - Section 106, Section 7, Section 404, Section 4(f) compliance documentation, as applicable

The EC shall:

- Review completeness of document as outlined above
- Cross-check document contents with the major items on the checklist to ensure discussions are present
- Cross-check Table of Contents with chapters, exhibits, and appendices
- Check that PFEISs include responses to comments generated during circulation of the draft.

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If the EC deems the PDEIS/PFEIS incomplete (i.e., no checklist, no technical reports, missing sections of the document, no evidence of peer review), has critical flaws, is unreadable, etc., the submittal will be sent back to the District as "not ready for review". "Critical flaws" may include:

1. Traffic projections are less than 20 years out from construction.
2. Purpose and Need not clearly defined
3. Absence of Logical Termini
4. Alternatives not clearly described.
5. Failure to state if the project is in a conforming RTP and TIP, and that the scope and concept are the same as the project listed within planning documents.

The preparer of the PDEIS/PFEIS shall revise the document or the submittal package to make it complete. Local Agency document revisions shall be submitted to the DLAE, who shall then submit the revision to the appropriate EC. For Caltrans projects, the District Environmental Office Chief shall submit the revised document package to the EC.

This step will continue until the PDEIS/PFEIS is complete and sufficient for FHWA review.

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Step 4: Submittal of EIS Review package to FHWA and Caltrans HQ

Once the EC determines that the document is ready for FHWA and DEA's quality review, the Caltrans District (District Environmental Office or DLAE, as appropriate) submits the following:

To FHWA:

- no less than 8 copies of PDEIS/PFEIS. (The number of the copies submitted to FHWA will be at the discretion of the TE)
- 2 copies of each technical report, and
- 1 copy of the signed FHWA NEPA checklist.

To DEA:

- 6 copies of the PDEIS/PFEIS,
- 1 copy of the signed FHWA NEPA checklist, and
- 1 copy of each technical report

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Step 5:

The FHWA and DEA will conduct a concurrent review of the PDEIS/PFEIS. The FHWA assigns the EIS number. The TE identifies the members of the ERT and notifies them to expect the document within the following week. The ERT will include FHWA staff with expertise in the particular technical areas involved in the project. The TE shall consolidate the ERT's comments into a comprehensive list.

At the same time, the EC assembles an interdisciplinary team within Headquarters to review the document. The leader of the DEA Quality Review team is the EC, assigned to the district in which the project is located. DEA will provide the special expertise to review the technical reports and pertinent portions of the PDEIS/PFEIS. The DEA Quality Review occurs simultaneously with the ERT review. The EC compiles the comments from the various technical specialists.

The reviews, described above, will be completed within 30 calendar days of receipt of the PDEIS/PFEIS by the FHWA and DEA, respectively.

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Step 6:

The EC and the TE shall discuss the comments of their respective agencies to coordinate the comments and resolve any conflicting comments, prior to transmitting them, independently, to the District Environmental Office or DLAE. The comments shall be sent to the District/DLAE within 15 calendar days of the completion of the review. A senior-level District representative, preferably the supervisor of the preparer of the document, may participate in the coordination of the DEA and FHWA comments.

Letters transmitting comments shall be copied to FHWA; DEA or Division of Local Assistance, as appropriate, Attn: Division Chief; and Caltrans Headquarters Legal.

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Step 7:

Caltrans District or Local Agency revises the PDEIS/PFEIS to address the FHWA and DEA comments. The District Environmental Office Chief or DLAE may request a meeting or conference call with the TE and EC to discuss the comments. It is expected that the District or Local Agency will provide responses to the comments well before the meeting or conference call so that they can review the responses.

After the appropriate revisions are made to the PDEIS/PFEIS and it is submitted with a transmittal letter requesting FHWA approval to circulate the DEIS or approve the FEIS. For State projects, the District Environmental Office Chief will submit the document to FHWA, with a copy to the EC. For Local Assistance projects, the DLAE will submit the DEIS/FEIS to FHWA with copies to the EC and the District Environmental Office Chief.

The submittal to FHWA shall include a minimum of four (4) copies of the revised DEIS/FEIS (unless the TE requests additional copies), one copy of the responses to the PDEIS/PFEIS comments, two copies of any new or revised technical reports, and a cover letter requesting FHWA's approval of the DEIS/FEIS. At a minimum, the response to comments component shall include written documentation of the responses, a statement as to whether the text of the environmental document was revised to reflect the comment, and if so, the page number in the revised DEIS/FEIS on which the change may be found. For internal and FHWA review purposes, the revisions in the DEIS/FEIS shall be highlighted to focus the reviewers' attention on the changes.

The District Environmental Office or DLAE shall provide the EC with one copy of the revised document, one copy of the responses to the comments with a response location key, one copy of any new or revised technical reports, and one copy of the cover letter to FHWA. For Local Assistance projects, the DLAE shall also copy the Division of Local Assistance Environmental Coordinator on all correspondence.

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Step 8:

The TE, with input from the Environmental Specialists as needed, reviews the revised DEIS/FEIS for adequacy and to assure that the previous comments were addressed satisfactorily. The EC also reviews the revised document to assure that the responses to comments are adequate. The intent of this review is not to conduct another comprehensive review, but rather to ensure previous comments have been adequately addressed.

If the TE determines that the DEIS/FEIS is not ready for circulation/approval, the document will be reviewed again and any additional comments will be sent back to the Caltrans District or DLAE for revision of the document. The revised DEIS/FEIS will be resubmitted to FHWA. This step will be repeated until the TE and the FHWA Chief of District Operations determine that the document is ready for circulation/approval.

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Step 9:

When the TE and the FHWA Chief of District Operations determine that the revised DEIS/FEIS is ready for approval/circulation, the Caltrans District Director, or designee, will sign and submit the EIS Title Sheet to the FHWA Division for signature. The FHWA Division Administrator signs the Title Sheet and the DEIS/FEIS is circulated. The District shall also circulate the document to others per the EIS Distribution List. A draft ROD should accompany the FEIS Title Sheet.

The District submits:

To FHWA:

- 10 copies of the DEIS and 14 copies of the FEIS to the FHWA Division for circulation. Also, one copy of the Title Sheet, one copy of any new or revised technical report, draft ROD (for FEISs) and a transmittal letter.

To DEA:

- One copy of the DEIS/FEIS, and draft ROD (for FEISs). Also, one copy of the Title Sheet, one copy of any new or revised technical report, and a copy of the transmittal letter to FHWA.

To the State Clearinghouse:

- A minimum of 15 copies of the DEIS or joint DEIS/DEIR and a state Notice of Completion form to the State Clearinghouse for distribution.

(In accordance with the President's Council on Environmental Quality (CEQ) regulations, all Draft EISs (as well as Environmental Assessments and Findings of No Significant Impact (FONSI)) shall be submitted to the State Clearinghouse for distribution to state agencies for review.)